

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 00-0490-CR-UNGARO/TORRES

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON DWAYNE JOHNSON,

Defendant.

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**REPORT AND RECOMMENDATION**

This matter was before the Court following on Order of Reference to conduct an evidentiary hearing on the Petition for Supervised Release Violation [D.E. 52] that charged the defendant with violating the terms of his supervised release in two counts. Prior to [D.E. 55] and during the initial scheduling conference held on the matter, the Defendant admitted the material provisions of the underlying violations, charging the Defendant with failing to reside and participate in a residential re-entry center and unlawfully possessing or using a controlled substance. The Defendants' admission, however, was not intended to dispose of sentencing issues on the violations, specifically relating to Probation's assessment of the grade of violation involved in the second violation. The Court accepted the Defendants' admissions to the violations but reserved any such sentencing disputes for the District Judge's consideration at a final hearing on the petition.

Based upon the admissions to the material facts underlying the violations in the Petition, an evidentiary hearing is not required with respect to those facts and the matter may now be addressed by the Court for final adjudication.

ACCORDINGLY, this Court recommends to the District Court that the Defendant's admissions be accepted as to counts 1 and 2 of the Petition and that a sentencing hearing be conducted for final disposition of this matter.

The Court will expedite for good cause the objecting period in the case. The parties shall have five (5) days from this date within which to file objections, if any, with the Honorable Ursula Ungaro, United States District Judge assigned to this case.

**DONE AND SUBMITTED** at Miami, Florida, this 1st day of March, 2012.

/s/ Edwin G. Torres

EDWIN G. TORRES

United States Magistrate Judge